

# HOUSE BILL REPORT

## HB 2101

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### As Amended by the Senate

**Title:** An act relating to registration of sex offenders and kidnapping offenders in schools, notification to the school, and dissemination of the information within the school.

**Brief Description:** Changing provisions relating to registration of sex and kidnapping offenders who are students.

**Sponsors:** By Representatives Pearson, Lovick, McDonald and Chase.

**Brief History:**

**Committee Activity:**

Juvenile Justice & Family Law: 2/23/05 [DP].

**Floor Activity:**

Passed House: 3/8/05, 97-0.

Senate Amended.

Passed Senate: 4/11/05, 49-0.

#### Brief Summary of Bill

- Requires a registered sex offender to notify the sheriff if he or she is planning to enroll at a public or private school and requires the sheriff to promptly notify the school.
- Requires that the principal of a school who receives notice of a sex offender who is registered at the school notify all persons who the principal believes need to know for security purposes and, if the student is a risk level II or III, the principal is also required to notify all teachers of the student.
- Requires that any information received by the school personnel be considered confidential and may only be further disseminated as otherwise permitted by law.
- Creates a liability limitation for law enforcement.

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### HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

**Majority Report:** Do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

**Staff:** Sonja Hallum (786-7092).

**Background:**

The Washington State Sex Offender Registration Law began in 1990. The law was later amended in 1997 to include kidnapping offenders in the registration program.

In Washington, a person is required to register as a sex offender if he or she has been convicted of a sex offense, a kidnapping offense, or has been found not guilty by reason of insanity of a sex offense or kidnapping offense.

The law in Washington defines a sex offense to include the following:

- (a) a felony that is a violation of the offenses listed in the chapter pertaining to sex offenses including rape, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and sexually violating human remains;
- (b) incest;
- (c) a felony that is a violation of the chapter pertaining to sexual exploitation of a minor except the offense of possession of depictions of a minor engaged in sexually explicit conduct;
- (d) a felony or gross misdemeanor that is a criminal attempt, solicitation, or conspiracy to commit such crimes;
- (e) a felony with a finding that the felony was committed with a sexual motivation;
- (f) comparable out-of-state convictions and convictions from prior to 1976;
- (g) sexual misconduct with a minor in the second degree; and
- (h) communication with a minor for immoral purposes.

If a person is convicted of a sex offense he or she must register as a sex offender with the county sheriff. The person must provide the following information to the sheriff:

- (a) name;
- (b) address;
- (c) date and place of birth;
- (d) place of employment;
- (e) crime for which convicted;
- (f) date and place of conviction;
- (g) aliases used;
- (h) social security number;
- (i) photograph;
- (j) fingerprints;
- (k) if the person lacks a fixed residence, where he or she plans to stay; and
- (l) the name of the institution of higher education if the person is enrolled or employed at that institution of higher education.

Failure to register as a sex offender is a crime. If the underlying offense for which the person is required to register is a felony sex offense, felony kidnapping, or comparable out-of-state felony, the failure to register constitutes a class C felony offense. A class C offense is punishable by up to five years confinement and a \$10,000 fine.

If the underlying offense for which the person is required to register is an offense other than a felony sex offense, felony kidnapping, or comparable out-of-state felony, failure to register is a gross misdemeanor. A gross misdemeanor is punishable by up to one year in confinement and a \$5,000 fine.

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**Summary of Bill:**

A person who is required to register as a sex offender must provide the name and address of the public or private school he or she is attending or planning to attend, including a state school for the blind, deaf or sensory handicapped, to the county sheriff when he or she is registering. The sheriff is then required to promptly notify the school of the person's intent to attend the school.

The school principal who receives notice of a student who is registered as a level II or III sex offender who is attending, or planning to attend, the school is required to further disclose the information to all teachers of the student, and those who the principal determines supervise the student or need to know for security purposes. If the student is a level I sex offender the principal may only disclose the information to personnel who need to know for security purposes.

Any information received by the principal or school personnel is confidential and may not be further disseminated except as provided by law.

A liability limitation is created for law enforcement which states that there is no additional liability imposed upon a peace officer, including the county sheriff, or law enforcement agency, for failing to release information required under the sex offender registration statute.

The safety center for the Office of the Superintendent of Public Instruction is required to review the training that would be required to implement the bill and is required to report to the Legislature by January 1, 2006.

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**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment clarifies that the reporting requirements apply to the state schools for the deaf, blind and sensory handicapped.

The Senate amendment delays the effective date of the Act until September 1, 2006 and requires the Safety Center of the Office of the Superintendent of Public Instruction to review the training that would be required to implement the Act and report to the legislature by January 1, 2006.

**Appropriation:** None.

**Fiscal Note:** Requested on February 18, 2005.

**Effective Date:** The bill takes effect September 1, 2006.

**Testimony For:** None.

**Testimony Against:** We are opposed to the bill as it applies to juveniles. Most of these kids receive treatment and will not reoffend. We are concerned about the stigma that might be attached to juveniles who go to school and later in life if the information is disseminated. Research shows that most of these offenders do not reoffend.

**Persons Testifying:** George Yeannakis, Washington Defenders Association.

**Persons Signed In To Testify But Not Testifying:** None.